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# Assistance in implementing the international conventions and protocols related to terrorism

## Report of the Secretary-General

*Summary*

Prepared pursuant to General Assembly resolution 64/177, the present report contains information on progress made by the United Nations Office on Drugs and Crime, in particular its Terrorism Prevention Branch, in delivering technical assistance to counter terrorism. The report identifies challenges faced to adequately respond to the evolving needs of Member States with respect to criminal justice aspects of countering terrorism and emphasizes the need for enhanced governmental support to meet those challenges. The report concludes with a set of recommendations for consideration by the Assembly.

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# I. Introduction

1. This report was prepared pursuant to General Assembly resolution 64/177, in which the Secretary-General was requested to report on the implementation of that resolution at the Assembly's sixty-fifth session. In that resolution, the Assembly requested the United Nations Office on Drugs and Crime (UNODC) to reinforce the provision of technical assistance to Member States, upon request, for the ratification and legislative incorporation of the existing international conventions and protocols related to terrorism and for the building of capacity to implement them; to provide technical assistance to strengthen international cooperation in order to prevent and combat terrorism, and to ensure adequate training of all relevant personnel in executing international cooperation; to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law; and to intensify its efforts to continue to systematically develop specialized legal knowledge in the area of counter-terrorism and pertinent thematic areas of relevance to the mandates of UNODC, especially through the preparation of technical tools and publications and the training of criminal justice officials.

2. The present report covers activities undertaken by UNODC, in particular its Terrorism Prevention Branch, to implement the aforementioned resolution, during the period from 1 January 2009 to 30 April 2010. It provides an update of the information contained in E/CN.15/2010/9.

3. During the period under review, the mandate of UNODC regarding counter-terrorism technical assistance was also reiterated by the General Assembly in its resolutions 64/118 and 64/179. In addition, in its resolution 64/168, the Assembly urged relevant United Nations bodies and international, regional and subregional organizations, including UNODC, within its mandate related to the prevention and suppression of terrorism, to step up their efforts to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support for victims of terrorism in accordance with relevant national legislation.

# II. Delivering technical assistance

4. Technical assistance in the area of counter-terrorism is provided mainly by the Terrorism Prevention Branch. Since January 2003, the Branch has directly or indirectly supported 168 countries in ratifying and implementing the international legal instruments against terrorism and in strengthening the capacity of their criminal justice systems to effectively implement the provisions of those instruments in conformity with the rule of law.

5. The counter-terrorism work of UNODC is carried out within a comprehensive perspective taking fully into account the work done on drugs, organized crime, corruption, money-laundering and criminal justice reform, and in close cooperation with UNODC field offices. The Branch draws on a network of field-based terrorism prevention experts in Africa, the Middle East, South-East Asia and the Pacific, Central Asia and Latin America and the Caribbean.

## A. A multi-pronged approach for strengthening the international legal regime against terrorism

6. The Branch has been pursuing a multi-pronged approach in delivering assistance. The three key elements of that approach are: tailored national-level assistance; regional and subregional activities supporting and complementing national activities; and technical assistance tools and specialized substantive publications.

### 1. National-level technical assistance

7. Between 1 January 2009 and 30 April 2010, assistance was provided to the following 81 countries: Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Benin, Bosnia and Herzegovina, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Colombia, Comoros, Cook Islands, Congo, Costa Rica, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, Equatorial Guinea, Fiji, Ghana, Guyana, Haiti, Iceland, Indonesia, Iraq, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Namibia, Nauru, Nicaragua, Niger, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Seychelles, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Tunisia, Tuvalu, Uganda, United Republic of Tanzania, Viet Nam, Yemen and Zambia.

8. The Branch made use of cost-effective telecommunication facilities, especially videoconferences, for the preparation or follow-up to technical assistance missions and for the provision of ad hoc legal advice.

9. Delegations from the following States were brought to Vienna for intensive working sessions involving the Branch and other UNODC entities: Azerbaijan (22-26 February 2010), Pakistan (16-18 November 2009), Costa Rica (22-24 September 2009), Afghanistan (15-17 June 2009), Algeria (28-30 April 2009) and Yemen (17-19 February 2009).

### 2. International, regional and subregional workshops

10. During the period under review, 25 thematically focused regional and subregional workshops were held. Some also dealt with international cooperation against transnational organized crime and corruption, including two ministerial-level conferences organized by the Division for Operations of UNODC in cooperation with the Branch: the Ministerial Conference on Illicit Drug Trafficking, Transnational Organized Crime and Terrorism as Challenges for Security and Development in Central America, held in Managua on 23 and 24 June 2009 and attended by participants from nine Central American countries; and the Ministerial Conference on Illicit Drug Trafficking, Transnational Organized Crime and Terrorism as Challenges for Security and Development in the Caribbean, held in Santo Domingo from 17 to 20 February 2010 and attended by participants from 17 Caribbean countries.

11. Another highlight was the international workshop for national counter-terrorism focal points jointly organized by the Branch and the Governments of Austria, Norway, Switzerland and Turkey, together with the Governments of Costa Rica, Japan and Slovakia, in close cooperation with the Counter-Terrorism Implementation Task Force and the Counter-Terrorism Committee Executive Directorate, held in Vienna on 12 and 13 October 2009. The workshop, attended by over 300 participants representing 113 Member States and 40 international, regional and subregional organizations, provided an informal global forum to exchange good practices and information on national efforts to implement United Nations counter-terrorism mandates and other counter-terrorism activities. Participants discussed the potential of a global network of national counter-terrorism focal points to serve as a platform for articulating national perspectives on counter-terrorism measures, especially on needs and assistance delivery in building national counter-terrorism capacities.

### 3. Technical assistance tools

12. The Branch has developed a number of tools, including the *Legislative Guide to the Universal Legal Regime against Terrorism*,[1] the *Guide for the Legislative Incorporation and Implementation of the Universal Anti-Terrorism Instruments* and model legislative provisions against terrorism. Most of these tools are available in the six official languages of the United Nations and many have been translated into various other languages.

13. The Electronic Legal Resources on International Terrorism database contains the full texts of the international legal instruments and the status of their ratification, searchable by region, country, treaty and time period. The database also contains the relevant national legislation of most Member States, as well as relevant case law from national, regional and international courts. In June 2009, the database was made accessible to the public (www.unodc.org/tldb).

14. The Branch has continued to work with the Office of Legal Affairs of the Secretariat to make available in the six official languages of the United Nations the third edition of *International Instruments Related to the Prevention and Suppression of International Terrorism*.[2]

15. Moreover, analytical studies, for various subregions, of developments in anti-terrorism legislation were finalized, including a review of legal regimes against terrorism in West and Central Africa and an overview of the counter-terrorism legislation of the Gulf States and Yemen.

16. The Branch developed tailor-made tools to strengthen the capacity of criminal justice officials to cooperate against terrorism. The Branch also developed compendiums of bilateral, regional and international agreements on extradition and mutual legal assistance for the Niger (jointly with the Government of France) and for the States members of the Indian Ocean Commission (jointly with the Indian Ocean Commission). Two similar compendiums are under preparation, one for Kenya and one for the States members of the Economic Community of West African States (ECOWAS). In addition, the Branch developed practical guides for

[1] United Nations publication, Sales No. E.08.V.9.

[2] Ibid., Sales No. E.08.V.2.

formulating effective requests for extradition and mutual legal assistance in criminal matters. One such guide concerns the five States members of the Indian Ocean Commission and a second is being prepared for 10 civil law and common law African countries.

17. Other tools published and disseminated during the period under review include the *Manual on International Cooperation in Criminal Matters Related to Terrorism* and the *Frequently Asked Questions on International Law Aspects of Countering Terrorism*.

18. The Digest of Terrorist Cases, launched during the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, in April 2010, draws on the practical experiences of senior judges and prosecutors who have conducted terrorism-related investigations and prosecutions or participated in related extradition proceedings.

19. Building on existing training tools, the Branch is in the process of developing a comprehensive legal training curriculum for criminal justice officials in order to impart specialized counter-terrorism legal knowledge and expertise in a more systematic manner. The curriculum consists of training modules on specific thematic issues for which additional tools and substantive publications, including case studies, are being developed. The modules will be adapted to information technology-based delivery mechanisms.

20. The use of such innovative information technology-based delivery mechanisms has shown to be cost-effective and efficient. Intensive online training courses have been developed by the Branch in collaboration with the DiploFoundation. Five training sessions were conducted, each lasting six weeks, reaching 126 participants from 72 countries. A specialized course on international cooperation against terrorism was developed and run jointly with the International Criminal Police Organization (INTERPOL). Participants were assigned readings and engaged in interactive discussions with lecturers and with each other through online forums. Participants have expressed strong appreciation for that format, which allows them to collaborate and interact at a global level.

## B. Expanded work in specific thematic areas of legal assistance and capacity-building support

21. In cooperation with other partners, the Branch organized and participated in specialized activities addressing specific aspects of counter-terrorism.

### 1. Strengthening international cooperation in criminal matters related to counter-terrorism

22. The Branch provided focused assistance to strengthen international cooperation in criminal matters related to counter-terrorism through a number of workshops, including the following:

(a) A subregional workshop on enhancing international cooperation in the field of combating terrorism, jointly organized with the Ministry of the Interior and the Ministry of Justice of Egypt and held in Cairo on 27 and 28 February 2010 and attended by participants from the Libyan Arab Jamahiriya, Morocco and Tunisia;

(b) A subregional capacity-building workshop for Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, held in Riyadh from 20 to 22 February 2010;

(c) The second subregional workshop for the States members of GUAM on enhancing international legal cooperation related to terrorism, held in Kyiv on 17 and 18 February 2010;

(d) A regional expert meeting on international cooperation in criminal matters between civil law and common law African countries, organized with the Commonwealth Secretariat, held in Yaoundé from 16 to 18 February 2010 and attended by participants from Angola, Cameroon, Cape Verde, Djibouti, Ghana, Kenya, Mali, Nigeria, Senegal and the United Republic of Tanzania;

(e) A workshop on strengthening international cooperation in criminal matters related to terrorism among and with the States members of ECOWAS, organized jointly with Spain, held in Las Palmas de Gran Canaria, Spain, from 15 to 17 June 2009 and attended by participants from 15 ECOWAS countries.

23. A regional justice platform was established to strengthen international cooperation among States members of the Indian Ocean Commission. Created jointly by UNODC and the Commission in 2008, the platform brings together the focal points responsible for extradition and mutual legal assistance from Comoros, France (Réunion), Madagascar, Mauritius and Seychelles. The first two meetings of the focal points were held in Saint Denis, Réunion, on 29 and 30 October 2009 and in Quatre Bornes, Mauritius, on 10 and 11 June 2009. The platform has provided a forum for practitioners to learn about the legal systems and practices of other States. The regional justice platform has also been instrumental in solving specific cases. UNODC is currently supporting the establishment of a regional justice platform for the Sahel countries.

24. Workshops bringing together judges and prosecutors from between two and four countries to discuss specific legal issues and problems related to regional and bilateral cooperation are becoming increasingly popular. Criminal justice practitioners from Burundi, the Democratic Republic of the Congo and Rwanda participated in a workshop held in Burundi from 10 to 12 November 2009. A workshop for participants from Algeria, Mali, Mauritania and the Niger was held in Mali from 29 September to 1 October 2009; a workshop for participants from Botswana, Namibia and Zambia was held in Botswana from 7 to 9 July 2009; a workshop for participants from Angola and Mozambique was held in Angola from 26 to 29 May 2009; a workshop for participants from Cameroon, the Central African Republic, Chad and the Congo was held in the Central African Republic from 12 to 14 May 2009; a workshop for participants from Mauritius, Seychelles and the United Republic of Tanzania was held in Seychelles from 28 to 30 April 2009; a workshop for participants from Benin, Burkina Faso, Ghana and Togo was held in Togo from 24 to 26 March 2009; and a workshop for participants from Botswana, Lesotho, South Africa and Swaziland was held in Lesotho from 27 to 29 January 2009. The Intergovernmental Authority on Development and INTERPOL contributed to several of those training workshops, as did senior practitioners from various countries.

25. National capacity-building workshops on international cooperation in criminal matters took place in Uganda (16-18 February 2010) and Egypt (14-15 February 2010),

and a national legislative drafting workshop on the enhancement of the legal framework on extradition for terrorism cases and other serious crimes was held in the Philippines (11-12 February 2010). National workshops for judges and prosecutors on drafting extradition and mutual legal assistance requests in terrorism cases were organized, in cooperation with the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, for Bosnia and Herzegovina (15-18 December 2009 and 28-29 January 2009), the former Yugoslav Republic of Macedonia (13-16 October 2009) and Turkey (28-29 January 2009). A workshop on the international legal framework for counter-terrorism was organized in the Syrian Arab Republic (27-28 May 2009). A national workshop on enhancing international legal cooperation in criminal matters was held, in cooperation with OSCE, in Iceland (5-7 May 2009).

26. In addition to the activities of the Branch, UNODC undertakes programme activities aimed at facilitating overall international cooperation in criminal matters. These include the elaboration of legal tools, such as collected best practices, model laws, an online directory of competent national authorities and the Mutual Legal Assistance Request Writer Tool. They also include legal advisory services to requesting countries and the training of relevant authorities through national, regional and cross-regional workshops.

### 2. Addressing maritime issues related to countering terrorism

27. An area of growing importance is maritime security. The Branch organized a subregional workshop for States members of the Association of Southeast Asian Nations (ASEAN) entitled "Developing an Integrated Approach to Maritime Security through the Counter-Terrorism Conventions and Criminal and International Law: Legal Perspectives and Capacity-building", held in Singapore on 9 and 10 June 2009 and attended by participants from 10 ASEAN countries. The Branch also organized a workshop for Pacific island countries entitled "Developing an Integrated Approach to Maritime Security through Criminal and International Law", held in Nuku'alofa on 7 and 8 May 2009 and attended by participants from Australia, New Zealand and 15 Pacific island countries.

28. At the national level, States are increasingly interested in adding a specific component on crimes committed at sea to training workshops for criminal justice practitioners, such as in the Seychelles in April 2009 and in Djibouti in March 2010.

29. The Chief of the Branch also participated in a briefing by the Counter-Terrorism Committee to all Member States on the issue of maritime security in April 2010.

30. In addition, UNODC is working on legal aspects of the suppression of piracy in close cooperation with the International Maritime Organization.

### 3. Suppressing the financing of terrorism

31. The Branch and the Global Programme against Money-Laundering work closely together in providing assistance to countries in countering the financing of terrorism.

32. At the regional level, joint initiatives included the following:

(a) The subregional expert meeting of States members of the West African Economic and Monetary Union (UEMOA) on the freezing of assets and the applicability of the UEMOA uniform law in the fight against the financing of terrorism, held in Dakar from 9 to 11 March 2010, attended by participants from eight States members of UEMOA;

(b) The subregional capacity-building workshop on cross-border cooperation in fighting terrorism and its financing, held in Cartagena, Colombia, from 23 to 26 February 2010, attended by participants from Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Ecuador, Panama and Peru;

(c) The subregional workshop on the interdiction and investigation of cross-border bulk cash-smuggling, organized jointly with the Inter-American Committee against Terrorism of the Organization of American States (OAS/CICTE), held in Lima from 15 to 19 December 2009, attended by participants from Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of);

(d) The subregional workshop on the interdiction and investigation of cross-border bulk cash-smuggling, organized by OAS/CICTE, jointly with the United States Immigration and Customs Enforcement of the Department of Homeland Security and the Inter-American Drug Abuse Control Commission (CICAD) of OAS, held in Mexico City from 3 to 6 August 2009, attended by participants from Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama;

(e) The subregional workshop on terrorism financing, organized in cooperation with CICTE/OAS and CICAD/OAS, held in San José from 3 to 6 February 2009 and attended by participants from Bolivia (Plurinational State of), Brazil, Costa Rica, Ecuador, Honduras and Paraguay.

33. Criminal justice practitioners from Antigua and Barbuda, the British Virgin Islands, Montserrat, Saint Lucia and Saint Vincent and the Grenadines participated in a subregional workshop held in Saint Kitts and Nevis from 9 to 12 February 2010.

34. National-level workshops were held in Costa Rica (5-9 April 2010), Papua New Guinea (8-9 February 2010), Indonesia (25-26 February 2010), Yemen (7-11 December 2009), Lebanon (30 November-5 December 2009) and Algeria (17-19 March 2009). The Branch also participated in discussions on draft legislation in Indonesia (17-19 November and 18-19 June 2009). In cooperation with the International Monetary Fund, the World Bank, the Middle East and North Africa Financial Action Task Force (MENAFATF) and the Special Investigation Commission of Lebanon, a workshop for financial intelligence units and criminal justice and law enforcement agencies of Iraq was held in Beirut from 12 to 16 February 2009.

35. Workshops in Paraguay (23-26 March 2010), Colombia (26-29 January 2010), the Bahamas (24-27 November 2009) and Peru (October 2009) provided criminal justice practitioners with specialized training on investigative and prosecutorial strategies against terrorism and devoted attention to the issue of the financing of terrorism.

36. During the period under review, the Global Programme against Money-Laundering continued to encourage the development of policies to counter money-laundering and the financing of terrorism, raise awareness of cross-cutting aspects and act as a centre of expertise. The Global Programme has been providing hands-on advice and assistance to practitioners in the field of countering money-laundering and the financing of terrorism from more than 90 jurisdictions. Specific initiatives are built based on the elements of awareness-raising and capacity- and institution-building, in particular the setting-up and operation of financial intelligence units, the delivery of technical assistance and training at the national and regional levels. The work of the Global Programme is supported by technical advisers in the field who provide in-depth assistance to countries or groups of countries. Those field experts are also drawn upon to service relevant national and regional workshops organized by the Branch. The Global Programme further promotes the involvement of local professionals in the creation and delivery of training programmes, donor coordination meetings and the activities of Financial Action Task Force on Money Laundering (FATF)-style regional bodies.

37. The Global Programme against Money-Laundering also continued to expand its International Money-Laundering Information Network (IMoLIN), a one-stop research resource, administered on behalf of a partnership of international organizations. The Global Programme manages the Anti-Money-Laundering International Database, a password-protected and easily searchable repository of laws from some 185 jurisdictions.

### 4. Preventing nuclear, chemical, biological and radiological terrorism

38. The Branch organized specific activities to assist countries in drafting counter-terrorism legislation incorporating the internationally agreed obligations on nuclear terrorism, in close cooperation with the International Atomic Energy Agency (IAEA) and with the expert staff of the Security Council Committee established pursuant to Council resolution 1540 (2004).

39. Specialized regional activities included a workshop on nuclear terrorism for the States members of GUAM held in Kyiv on 22 and 23 July 2009 and a regional workshop on the suppression of acts of nuclear terrorism held in Buenos Aires from 2 to 4 June 2009, attended by participants from Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bolivarian Republic of).

40. The Branch has increasingly been paying attention to the international legal instruments related to chemical and biological terrorism. For example, it jointly organized, with OSCE and the United Nations Regional Centre for Preventive Diplomacy for Central Asia, a regional workshop for Central Asian countries on non-proliferation and international legal cooperation against biological, chemical and nuclear terrorism, held in Ashgabat on 2 and 3 December 2009. The workshop was attended by participants from Afghanistan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

41. A national-level legislative drafting workshop on the criminal law aspects of the universal legal framework against nuclear terrorism was organized in Armenia (16-20 February 2009) and national training workshops on the 2005

international instruments were held in Tunisia (2-3 December 2009) and the Sudan (14-16 April 2009).

42. The Branch received observer status with the Global Initiative to Combat Nuclear Terrorism in August 2009 and was asked by the co-chairs to contribute to the work of Global Initiative on legal issues. As in previous years, the Branch also worked closely with the International School of Nuclear Law in Montpellier, France, including with regard to a course on nuclear law for the Asian Region, held in March 2010.

43. UNODC co-organized, with IAEA, the International Symposium on Nuclear Security, held from 30 March to 3 April 2009, and co-chaired the meeting on the elaboration of nuclear security recommendations related to the detection of and response to criminal and unauthorized acts involving nuclear and other radioactive material out of regulatory control (23-27 March 2009). More recently, UNODC participated in the IAEA workshop on implementing legislation on nuclear security for some Asian countries, held in Vienna (26-27 April 2010).

44. The Branch also enhanced its cooperation with the Organization for the Prohibition of Chemical Weapons, including through participation in the International Seminar on National Implementation of Non-Proliferation Obligations, held in Jahorina, Bosnia and Herzegovina, on 22 and 23 June 2009.

### 5. Enhancing procedural aspects of countering terrorism related to the rule of law

45. In accordance with the United Nations Global Counter-Terrorism Strategy,[3] all work by UNODC in the area of counter-terrorism seeks to reinforce the principle that effective counter-terrorism measures and respect for the rule of law are complementary and mutually reinforcing goals.

46. During the period under review, special attention was devoted to human rights challenges, for example in the subregional workshop on counter-terrorism and human rights organized in cooperation with the Government of Qatar and held in Doha on 11 and 12 May 2009, attended by participants from Bahrain, Qatar, Saudi Arabia and the United Arab Emirates.

47. Another highlight was the expert group meeting on a coordinated approach to bringing terrorists to justice in the light of human rights, held in Copenhagen on 19 and 20 May 2009, on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights.[4] Participants discussed various aspects of the international obligation to bring terrorists to justice while giving due respect for human rights and fundamental freedoms and the interrelation between those aspects and different areas of international law (human rights law, refugee law and the Security Council sanction regime against Al-Qaida and the Taliban).

48. A national-level capacity-building workshop for criminal justice officials in Colombia, which was held on 25 and 26 February 2010, focused on the interrelation between the international legal framework to combat terrorism, international humanitarian law and human rights law.

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[3] General Assembly resolution 60/288.

[4] Assembly resolution 217 A (III).

49. The Branch also continued to organize capacity-building activities for criminal justice officials of Iraq, including a workshop on criminal justice capacity-building support in the area of counter-terrorism and terrorism-related crimes, held in Cairo from 27 and 30 April 2009, as well as a national legislative expert workshop for Iraq, organized in partnership with the United Nations Assistance Mission for Iraq and held in Baghdad on 14 and 15 January 2009.

50. Practical training was also given to senior judges and prosecutors from Algeria (17-26 January 2010) during a study tour to Italy, the Netherlands and Spain. Study tours were also organized for senior criminal justice practitioners from Pakistan (19-20 November 2009) and Afghanistan (18-24 June 2009) to Germany and Romania respectively.

51. Also relevant are UNODC technical assistance projects aimed at improving the management and operation of law enforcement agencies, the judiciary and penitentiary systems, in accordance with United Nations standards and norms on crime prevention and criminal justice.

## C. Partnerships for delivery

52. The successful delivery of technical assistance has been fostered through enhanced coordination and partnerships with other entities and organizations.

### 1. Cooperation with Security Council bodies dealing with counter-terrorism

53. The counter-terrorism work of UNODC is carried out in close cooperation with the Counter-Terrorism Committee of the Security Council and its Executive Directorate. The functions of these entities are fully complementary and mutually supportive: the political, policy, coordination and facilitation work of the Counter-Terrorism Committee and its Executive Directorate precedes and guides the work of UNODC in delivering technical assistance; the technical assistance work of UNODC in turn helps countries to address the legal and related gaps and needs identified in their counter-terrorism capacity and helps the Counter-Terrorism Committee and its Executive Directorate to verify the measures taken by the countries in that regard.

54. Effective working arrangements are in place. During the period under review, the following activities were carried out:

(a) UNODC participated in visits of the Counter-Terrorism Committee and its Executive Directorate to Azerbaijan, Ghana, the Libyan Arab Republic, Panama, Senegal, Timor-Leste, Uzbekistan, Brunei Darussalam, Tunisia and Yemen;

(b) Experts of the Counter-Terrorism Committee and its Executive Directorate participated in UNODC activities and provided briefings on the role of the Committee and priorities under Security Council resolution 1373 (2001), including during national-level activities in Paraguay (March 2010) and Haiti (October 2009);

(c) Consultations with the Counter-Terrorism Committee and its Executive Directorate took place in the planning of UNODC activities. Mission reports and matrices of ongoing and planned technical assistance activities were shared;

(d) UNODC, upon confirmation of request, provided technical assistance in legal and related capacity-building areas to those States referred to it by the Counter-Terrorism Committee and its Executive Directorate;

(e) UNODC continued to assist requesting Member States in compiling the elements needed for the submission of their responses to the Counter-Terrorism Committee.

55. At a briefing by the Chief of the Branch to the Counter-Terrorism Committee on 30 April 2009, ways to further strengthen cooperation were discussed.

56. Cooperation has been strengthened with the Security Council Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban and associated individuals and entities, and its Analytical Support and Sanctions Monitoring Team. Regular consultations, including with the Chief of the Branch, were undertaken with the Committee and its Monitoring Team. The Branch organized, jointly with the Committee's Monitoring Team, national workshops in Togo (24-25 March 2009) and the Dominican Republic (10-13 February 2009).

57. Cooperation has also been enhanced with the Security Council Committee established pursuant to resolution 1540 (2004), on the non-proliferation of weapons of mass destruction, and its group of experts. On 15 December 2009, the Chief of the Branch briefed the Committee's group of experts and the working group on cooperation with international organizations, highlighting areas where technical assistance work by UNODC is contributing to the work of the Committee.

58. The Branch continued to organize subregional workshops on report-writing pursuant to the common strategy on reporting approved by the three Security Council committees. In its resolution 1904 (2009), the Security Council encouraged the Monitoring Team and UNODC to continue their joint activities, in cooperation with Counter-Terrorism Committee Executive Directorate and the experts of the Committee established pursuant to resolution 1540 (2004), to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including by organizing regional and subregional workshops. A workshop on specialized assistance on reporting obligations to the Security Council was held for 13 Caribbean countries in Basseterre from 7 to 9 July 2009 and a subregional workshop on the preparation of responses to the three Security Council committees was held for 10 Middle Eastern countries in Abu Dhabi from 28 to 30 June 2009. The Branch also facilitated the organization of videoconferences linking the Security Council committees with national authorities of Member States, including for officials of the Central African Republic (11 May 2009) and Equatorial Guinea (5 May 2009).

### 2. Participation in the Counter-Terrorism Implementation Task Force

59. UNODC actively participates in the Counter-Terrorism Implementation Task Force, which brings together some 30 United System actors and INTERPOL, thus ensuring that its counter-terrorism work is carried out in the broader context of United Nations system-wide efforts. The Branch provided coordinated UNODC input for the various initiatives of the Task Force. The Branch hosted the retreat of the Task Force in Vienna on 14 and 15 October 2009 and participated in the retreat in New York in February 2010 and in the informal briefing to the General Assembly on 3 March 2009.

60. Together with the Executive Office of the Secretary-General and the Counter-Terrorism Committee Executive Directorate, UNODC is coordinating the Task Force's Integrated Assistance for Countering Terrorism initiative, which enables partnering Member States to address to Task Force entities their requests for strategy-related assistance related to all four pillars of the Global Counter-Terrorism Strategy in a user-friendly way, via a single access point. The initiative helps to avoid duplication of work, makes use of increased consultation and maximizes the impact of assistance delivery. In 2009, UNODC set up an Internet-based interactive information system that serves as a key mechanism for communication among Task Force members in implementing the Integrated Assistance for Countering Terrorism initiative. The system also facilitates the compilation of identified needs and assistance activities undertaken by Task Force members with respect to the first partnering Member States: Burkina Faso, Madagascar and Nigeria. That initial compilation serves as the basis for the elaboration of action plans for assistance delivery. The initiative is implemented in close consultation with the partnering countries. Next steps with regard to implementation in Nigeria were discussed during a mission undertaken in February 2010.

61. Together with the International Monetary Fund and the World Bank, UNODC co-chairs the Counter-Terrorism Implementation Task Force working group on tackling the financing of terrorism. The working group has produced a report containing a set of recommendations aimed at helping Member States effectively implement existing international standards on combating the financing of terrorism. The report was launched in Vienna in October 2009. The Working Group is in the process of developing an implementation plan.

62. UNODC is actively involved in the Counter-Terrorism Implementation Task Force working group on protecting human rights while countering terrorism, which is developing a set of basic human rights reference guides on specific issues. The Branch participated in a working group briefing for Member States held in New York in May 2009 and has contributed to the elaboration of the first human rights reference guides on the following issues: the principle of legality in national counter-terrorism law, stopping and searching of persons, designing security infrastructure and the proscription of terrorist organizations under domestic legislation.

63. UNODC is an active member of the Counter-Terrorism Implementation Task Force working group on countering the use of the Internet for terrorist purposes. UNODC co-organized, together with the Task Force and the Government of Germany, a workshop on countering terrorist use of the Internet: addressing legal aspects, held in Berlin on 25 and 26 January 2010, and participated in the workshop on countering terrorist use of the Internet: technical issues, held in Seattle in February 2010. Based on the outcome of those meetings, the working group is developing a comprehensive guide containing an overview of the challenges, potential best practices and recommendations.

64. UNODC is participating in the Counter-Terrorism Implementation Task Force working group on preventing and resolving conflicts, which examines how the United Nations can better support the efforts of Governments and regional and subregional organizations to prevent and resolve conflict in Central Asia and West Africa.

65. In addition, in February 2010 UNODC joined the Counter-Terrorism Implementation Task Force working group on preventing and responding to terrorist attacks using weapons of mass destruction and participated in the workshop on international response and mitigation of a terrorist attack using nuclear and radiological weapons or materials hosted by IAEA in Vienna in March 2010. UNODC also joined the working group on supporting and highlighting victims of terrorism, which assists Member States in implementing the recommendations contained in the report on the symposium on supporting victims of terrorism held in September 2008.

### 3. Partnerships with other organizations

66. In implementing its technical assistance activities, the Branch continued to work with many international partners — the Commonwealth Secretariat, the Counter-Terrorism Action Group of the Group of Eight, FATF, IAEA, the International Civil Aviation Organization, the International Development Law Organization, the International Legal Assistance Consortium and its member organizations, the International Monetary Fund, the International Maritime Organization, INTERPOL, the International Organization for Migration, the Organization of the Islamic Conference, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, OPCW and the World Bank — as well as with a large number of regional and subregional partners, such as the African Union, the Association of Regional Magistrates of Southern Africa, ASEAN, the Central African Economic and Monetary Community, OAS/CICTE, the Commonwealth of Independent States, the Common Market for Eastern and Southern Africa, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the Economic Community of Central African States, ECOWAS, the European Union, Eurojust, the Capacity-building Programme against Terrorism of the Intergovernmental Authority on Development, the Indian Ocean Commission, the League of Arab States, OSCE, the Naif Arab University for Security Studies, the Southern African Development Community and UEMOA.

67. All activities implemented in the Americas are jointly planned and carried out with OAS/CICTE to ensure full complementarity of programmes and action.

68. A similar partnership exists with OSCE for activities undertaken in Eastern European and Central Asian countries. On 29 and 30 April 2010, OSCE and UNODC jointly organized a workshop for European and Central Asian countries on the 2005 legal instruments against terrorism and the implementation of their provision in national legislation. Another joint initiative was the subregional workshop on domestic legal implications of Security Council resolutions and financial sanctions against terrorism, held in Bucharest on 1 and 2 April 2009 and attended by participants of 14 European and Central Asian countries. The Branch also closely cooperates with the Council of Europe, including in specific thematic areas, such as through participation in the OAS/CICTE and Council of Europe joint Conference on Terrorism and Cybersecurity, held in Madrid on 16-17 April 2009.

69. UNODC has strengthened the exchange of information with the European Union, with whom it also engages in a regular policy dialogue. At the request of Governments holding the Presidency of the European Union, the Branch provided briefings to the Council of the European Union Working Party on Terrorism in

March 2010 and April 2009. A briefing on the Branch's work in the area of providing support to victims of crime within criminal proceedings was provided to the Terrorism Working Group) of the European Union in March 2010. Regular consultations were held with the Counter-Terrorism Coordinator of the European Union, including during his mission to Vienna in October 2009. The partnership with Eurojust has been further enhanced through the involvement of Eurojust representatives in UNODC training activities.

70. Partnership activities have continued to be undertaken with the Pacific Islands Forum Secretariat, including through the organization of a subregional workshop on counter-terrorism, legislative initiatives and international cooperation, held in Suva on 1 and 2 June 2009, attended by representatives of Australia and 11 Pacific island countries.

71. In line with the overall UNODC plan of action for Africa, the Branch and the Intergovernmental Authority on Development, through its Capacity-building Programme against Terrorism, have established a partnership to jointly provide more effective technical assistance on the legal and related aspects of counter-terrorism, to avoid duplication of efforts and ensure the provision of relevant substantive input.

72. The Branch participated in a workshop, organized by the African Centre for Studies and Research on Terrorism, on law enforcement and combating terrorism for Member States of West Africa, in Algiers in June 2009.

73. The Branch also cooperated with the Magna Carta Institute, including through participation in its international conference on a global model to counter terrorism held in Brussels in December 2009, and participated in workshops organized by the Center on Global Counterterrorism Cooperation, including those focusing on the implementation of the United Nations Global Counter-Terrorism Strategy in North Africa (held in The Hague in September 2009) and in West Africa (held in Brussels in September 2009 and in Abuja in February 2010).

### 4. Cooperation with recipient and donor countries

74. To ensure that the assistance delivered is tailored to the needs of each assisted country, the Branch works with the representatives and experts of recipient countries. In addition to the formal communications pursued through the official channels of the permanent missions to the United Nations in Vienna and New York and ministries of foreign affairs, extensive consultations and working-level contacts are maintained with the various ministries, as well as with the judicial and prosecutorial services.

75. The Branch is most grateful to its donors for their invaluable substantive and financial support, without which the Branch would not be able to carry out its activities. Between January 2003 and 30 April 2010, voluntary contributions (paid and pledged) totalled $43,471,588. Contributions were made by Austria, Belgium, Canada, Colombia, Denmark, France, Germany, Greece, Israel, Italy, Japan, Liechtenstein, Monaco, the Netherlands, New Zealand, Norway, Romania, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as by the Indian Ocean Commission, the International Organization of la Francophonie, the International Maritime Organization, INTERPOL and OSCE.

## D. Evaluating delivery and assessing impact

76. In its comprehensive 2007 evaluation of the Global Project on Strengthening the Legal Regime against Terrorism, the Independent Evaluation Unit of UNODC reached very positive conclusions regarding the relevance, effectiveness and efficiency of the Global Project in delivering technical assistance, the efficiency of the overall management of the Global Project by the Branch and the sustainability of the benefits generated by the Global Project. The Branch has taken action to implement the recommendations made, including by developing a comprehensive strategy that lays out its vision, focus and approach regarding capacity development. The Branch has reviewed its project document and is elaborating a set of qualitative achievement indicators that should help the Branch to better assess, through the feedback received from participants, the impact of its capacity-building activities on the ability of participants to successfully investigate and prosecute terrorism cases.

77. Strong results-based management and reporting tools have helped the Branch to demonstrate measurable results. The Branch has been using several tangible indicators, such as increases in the number of States becoming parties to the international legal instruments, the number of countries that have been provided with assistance in drafting legislation and the number of national officials who have been trained.

78. An estimated 529 ratifications of the international legal instruments were undertaken by assisted Member States since 2003, with 53 ratifications made in 2009 and an additional seven prior to 30 April 2010. In January 2003, when the Global Project started, only 26 States had ratified the first 12 instruments. As of 30 April 2010, 107 States had ratified the 12 instruments. Similarly, 98 States had ratified six or fewer of the 12 instruments in January 2003. As at 30 April 2010, the number of States in that category had been brought down to 24.

79. In addition, at least 69 States assisted by the Branch have taken steps to incorporate the provisions of the international legal instruments into national legislation: 31 States have adopted new anti-terrorism legislation, and at least another 38 States are preparing new anti-terrorism legislation.

80. Since the launch of the project, approximately 10,000 national criminal justice officials have been provided with specialized training. Approximately 1,500 of them were trained in 2009 and some 800 more in the first four months of 2010.

# III. Challenges ahead

81. Much work remains to be done to achieve universal adherence and full implementation of the international instruments. As at 30 April 2010, only 3 of the 192 Member States were parties to all 16 international legal instruments. The Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[5] and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the

[5] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/21).

Continental Shelf[6] will enter into force on 28 July 2010. The Amendment to the Convention on the Physical Protection of Nuclear Material[7] has not yet received the sufficient number of ratifications or accessions to enter into force.

82. Moreover, the process of legislative incorporation of the provisions of those instruments into national legislation is a long-term and labour-intensive effort, requiring the review, drafting or amending of a complex set of provisions encompassing substantive law, procedural aspects and provisions on international cooperation in criminal matters.

83. Furthermore, the capacity of national criminal justice officials to apply the international provisions and related national legislation in their day-to-day work remains limited. Officials frequently lack the required procedures, policies and practices and the substantive knowledge and skills to apply national counter-terrorism legislation in accordance with the rule of law and human rights. They rarely have the specialized knowledge needed on financing of terrorism or nuclear, chemical, biological and radiological terrorism or for adequately responding to legal issues related to victims of terrorism in criminal proceedings. Officials often lack the skills and mutual trust needed to participate in related international cooperation in criminal matters.

84. Strengthening operational partnerships and mobilizing increased substantive and financial support by Member States is crucial to meet these challenges.

## A. Enhancing the delivery of assistance through modalities providing a conducive response to the evolving needs of Member States

85. The Branch is undertaking a regular review and refinement of the content of services provided to ensure that those remain pertinent and fully aligned with the actual and emerging needs and requirements of requesting States. The Branch needs to continue providing assistance for the ratification and legislative implementation of the international instruments and focus on instruments with a lower ratification rate. Special efforts are made to engage with executive branch decision makers and with parliamentarians, whose support is needed during the ratification process or for the adoption of necessary domestic legislation.

86. There is an increased need for in-depth and continued national-level capacity-building assistance to help criminal justice practitioners with the investigation and adjudication of actual cases and the prosecution of offenders. An effective response to terrorism requires a criminal justice system capable of functioning in an integrated fashion, able to rely on the contribution of all of its components. One of the challenges ahead is to extend the tailored capacity-building efforts, which currently reach judges and prosecutors, to other professional groups of the criminal justice system such as defence lawyers, attorneys representing victims and correctional officers.

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[6] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

[7] Adopted on 8 July 2005 by the Conference to Consider Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

87. Special efforts are required to take care of the legal needs of victims of terrorism. UNODC needs to step up its efforts to provide, upon request, technical assistance for building domestic capacity regarding criminal justice aspects of providing support for victims of terrorism, drawing on the international legal framework and recognized standards and norms.

88. Because of the increasingly complex nature of terrorism, the Branch is challenged to respond to the need for in-depth expertise on specific thematic counter-terrorism legal issues in areas such as international cooperation in criminal matters pertaining to counter-terrorism, nuclear, chemical, biological and radiological terrorism, maritime terrorism, financing of terrorism and countering the use of the Internet for purposes of terrorism, and to expand its provision of specialized services in these areas.

89. Overall, the Branch should work towards long-term capacity-building programmes, providing in-depth training to all relevant stakeholders, based on a steady dissemination of easy accessible training materials, backstopped by effective follow-up and reinforced by ongoing support services on the ground. In that regard, UNODC is increasingly pursuing a train-the-trainers approach by involving national training institutions and by strengthening the expertise of those institutions through the elaboration of counter-terrorism modules for integration in their national curricula.

90. The furthering of online training activities is supported by the positive feedback received from participants. The Branch is in the process of setting up its own online platform, which will also be used as a permanent virtual forum. The platform will enable participants of online training courses and national and regional training workshops to remain connected with the training facilitators at the Branch and with each other and, thus, to remain abreast of new developments and benefit from continued networking and mutual learning, which will enhance the sustainability of the capacity-building activities.

91. A long-term sustained engagement is facilitated by a field-based delivery approach. The placement of terrorism prevention experts in UNODC field offices has enabled the Branch to work closely with local officials in designing and implementing activities. The Branch envisages that its programming and delivery capacity will be further decentralized in order to respond to the evolving needs of the recipient countries more effectively.

92. A strengthened field-based approach also facilitates the full integration of the Branch's counter-terrorism activities in UNODC regional and country programmes. That approach responds to the increasing demand for more comprehensive packages of technical assistance that encompass assistance on terrorism prevention as well as criminal justice, corruption prevention and transnational organized crime.

## B. Mobilizing increased support from Member States

93. Thanks to the financial support provided by its 23 donor countries, the Branch has been able to establish, both at headquarters and in selected field locations, a core pool of expertise and the basic secretariat capacity for the effective planning,

delivery, coordination and management of technical assistance and related partnerships.

94. An unexpected large contribution in December 2009 meant that the total amount of voluntary contributions to the Branch in 2009 was above the 2008 benchmark of $8 million. Notwithstanding those contributions, the vulnerability of the funding situation of the Branch became apparent in 2009, when the Branch had to downsize its operations due to funding uncertainty and cash-flow problems.

95. The Branch's reliance on voluntary contributions makes long-term planning, including maintenance of necessary technical expertise, challenging. Funding uncertainty remains a key issue in 2010. The Branch has designed a revised management model to better equip it to deal with a volatile funding situation. The model contains a set of measures ensuring the full integration of UNODC counter-terrorism activities into its relevant regional and country-specific programmes, as well as adjustments in the structure of the Branch at headquarters and in the field.

96. Dependence on extrabudgetary resources for core expertise and basic secretariat functions is not tenable. In order to preserve that core expertise and to be able to deliver the basic secretariat functions expected by Member States, these capacities need to be stabilized and ensured through increased regular budget allocations. Except for the addition of a junior-level post approved in December 2007, the regular budget allocation has remained at almost the same level since 2003. Stable regular budget resources are needed also to ensure that the Branch can respond to new mandates and deliver with respect to specialized thematic areas.

97. Moreover, the Branch needs predictable, multi-year, non-earmarked funding to be able to continue to conduct key technical assistance activities with a view to implementing its global mandate. The Branch has elaborated a new fundraising strategy, based on the definition of continued core resources needed to sustain its work, which serves as a baseline for project planning and implementation. Additional resources are required to be able to provide more in-depth and long-term national-level capacity-building assistance. In that regard, bearing in mind the importance of a properly functioning criminal justice system to prevent terrorism with a view to attaining sustainable economic and social development in recipient countries, it might be worthwhile for donor States to explore whether development funds could increasingly be drawn on to support the activities of the Branch.

# IV. Conclusions and recommendations

98. Given the continued threat posed by terrorism, it is imperative to sustain focused attention and provide sustained support to the efforts to strengthen the legal regime against terrorism and the delivery of assistance for enhancing related national capacities. As underlined in the United Nations Global Counter-Terrorism Strategy, establishing a criminal justice response to terrorism that is based on the rule of law is key to global counter-terrorism efforts and the backbone and prerequisite for other initiatives.

99. The requests for assistance received by the Branch demonstrate the need for more sustained capacity-building, in addition to the need for continued assistance for the ratification and legislative implementation of the international legal instruments. There is a particular need for more long-term, in-depth, tailored assistance on the ground, reaching out to the criminal justice practitioners involved in the investigation and adjudication of concrete cases. UNODC should also continue to assist in reinforcing mechanisms for international cooperation in criminal matters to counter terrorism, including by providing support for the establishment of relevant networks, platforms or other mechanisms.

100. The requests for assistance demonstrate the need to enhance the building and delivery of specialized substantive expertise in thematic areas such as nuclear, chemical, biological and radiological terrorism, maritime issues, financing of terrorism and countering the use of the Internet for terrorist purposes. There is a demand for more comprehensive packages of assistance that enable criminal justice practitioners to deal with a range of crimes potentially linked to terrorism.

101. In response to the call made by the General Assembly in its resolution 64/168, the Branch should also provide capacity-building assistance with regard to criminal justice aspects of providing support for victims of terrorism. UNODC should, within the context of its counter-terrorism assistance delivery, enhance the promotion and dissemination of United Nations standards and norms in crime prevention and criminal justice.

102. The Branch should also make increased use of innovative and cost-effective training modalities such as online and computer-based courses to implement its global mandate.

103. The General Assembly may wish to provide further guidance with regard to the reinforcement of UNODC technical assistance work on criminal justice aspects of countering terrorism, in terms of both content and delivery methodologies, with a view to better tailoring assistance to the evolving needs of Member States.

104. UNODC, in particular its Terrorism Prevention Branch, is strongly committed to continuing to assist Member States in meeting their needs. It will therefore continue to explore the creation of synergies with other United Nations entities, including within the framework of the Counter-Terrorism Implementation Task Force, and continue to work with partner entities at the international, regional and subregional levels in counter-terrorism assistance delivery.

105. The General Assembly may wish to invite the bodies of the Security Council dealing with counter-terrorism, the office of the Counter-Terrorism Implementation Task Force and relevant international, regional and subregional organizations to enhance their cooperation with UNODC on counter-terrorism issues. The Assembly might also wish to provide guidance as to how the complementarity of mandated work between UNODC and the other United Nations entities working on counter-terrorism issues can be maximized.

106. UNODC relies on Member States to step up their political and financial support so that it can continue to assist States in implementing a fully functional international legal regime against terrorism that is based on the rule of law. Whereas donor countries have provided invaluable voluntary contributions, it is important to bear in mind that the current level of resources is inadequate to meet the increasing

requests and the corresponding required enhancement in activities and substantive initiatives. Member States should therefore provide sufficient resources to make the counter-terrorism technical assistance work of the Branch sustainable, through an adequate increase in regular budget resources and through the provision of predictable, multi-year extrabudgetary resources.

107. The General Assembly may wish to express gratitude to donor countries for the voluntary contributions made available to UNODC for its counter-terrorism work and invite Member States to increase the level of extrabudgetary and regular budget resources for implementing UNODC activities in the area of terrorism prevention.